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10 **UNITED STATES DISTRICT COURT**

11 **DISTRICT OF NEVADA**

12 MARINA DISTRICT DEVELOPMENT
COMPANY, LLC d/b/a BORGATA HOTEL
13 CASINO & SPA, a New Jersey limited
liability company,

14 Plaintiff,

15 v.

16 AC OCEAN WALK, LLC d/b/a OCEAN
CASINO RESORT, a New Jersey liability
17 company; WILLIAM CALLAHAN, an
individual; and KELLY ASHMAN BURKE,
18 an individual,

19 Defendants.

Case No.: 2:20-cv-01592-GMN-BNW

**STIPULATION AND ORDER TO SEVER
CERTAIN CLAIMS AND TRANSFER TO
THE U.S. DISTRICT COURT FOR THE
DISTRICT OF NEW JERSEY**

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21 WHEREAS, Plaintiff Marina District Development Company, LLC (“Borgata”) filed the
22 above-captioned action against Defendants AC Ocean Walk, LLC d/b/a Ocean Casino Resort
23 (“Ocean”), William Callahan, and Kelly Ashman Burke on August 27, 2020;

24 WHEREAS, on September 6, 2020, Ocean moved to dismiss for lack of personal
25 jurisdiction and improper venue, a motion on which the Court has not yet ruled (the “Motion to
26 Dismiss”);
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1 WHEREAS, on October 7, 2020, the Court compelled arbitration with respect to certain of
2 Borgata's claims against Callahan and Burke and stayed the claims with respect to Callahan and
3 Burke, so only Borgata's claims against Ocean remain active in this Court subject to the pending
4 Motion to Dismiss;

5 WHEREAS, for the convenience of the parties and in the interest of justice the parties agree
6 that Borgata's claims against Ocean should be severed and transferred to the District of New Jersey.
7 a district where the action, as to Ocean, may have been properly brought;

8 WHEREAS, the parties reserve all rights upon severance and transfer;

9 WHEREAS, Ocean reserves all its rights to maintain its pending Motions in the District of
10 New Jersey, including Ocean's pending Motion to Dismiss under Federal Rule of Civil Procedure
11 12(b)(6), which will be transferred to the District of New Jersey;

12 NOW THEREFORE, THE PARTIES STIPULATE that Borgata's claims against Ocean be
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severed under Federal Rule of Civil Procedure 21 and transferred to the U.S. District Court for the District of New Jersey under 28 U.S.C. § 1404(a) and/or 28 U.S.C. § 1406(a).

Dated: November 4, 2020

JACKSON LEWIS P.C.

BLANK ROME LLP

/s/ Paul T. Trimmer

/s/ Leigh Ann Buziak

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*Attorneys for Defendants
AC Ocean Walk, LLC, William Callahan,
and Kelly Ashman Burke*

ORDER

Good cause appearing, the Court orders as follows:

1. Pursuant to Federal Rule of Civil Procedure 21, Plaintiff's claims against Defendant AC Ocean Walk, LLC are severed from Plaintiff's claims against William Callahan and Kelly Ashman Burke; and

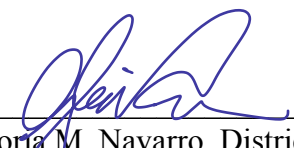
2. Pursuant to 28 U.S.C. § 1404(a), for the convenience of the parties and in the interests of justice, Plaintiff's claims against Defendant AC Ocean Walk, LLC are transferred to the U.S. District Court for the District of New Jersey.

IT IS SO ORDERED.

As this case has already been stayed with respect to the remaining Defendants, (See Mins. Proceedings, ECF No. 91),

IT IS FURTHER ORDERED that Defendants' Motion to Stay Case, (ECF No. 102), is **DENIED as moot**.

Dated this 6 day of November, 2020.



Gloria M. Navarro, District Judge
UNITED STATES DISTRICT COURT